

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF YOUTUBE, LLC

Related to

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS,

Defendant.

09 Civ. 7073 (DLC)

41 Civ. 1395 (DLC)

**NOTICE OF MOTION TO
APPEAR *PRO HAC VICE***

S.D. OF N.Y.

2010 JUN -1 PM 1:49

U.S. DISTRICT COURT

PLEASE TAKE NOTICE that upon the accompanying affidavit of Jean P.

Nogues, Esq., executed on May 26, 2010, the certificate of good standing attached thereto, and the accompanying affidavit of Jane G. Stevens, executed on May 28, 2010, American Society of Composers, Authors and Publishers ("ASCAP"), by its attorneys Mitchell Silberberg & Knupp LLP, will move this Court before the Honorable Denise Cote, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, at a date and time to be determined, for an order pursuant to Rule 1.3(c) of the Local Civil Rules of the United States District Courts for the Southern and Eastern Districts of New York admitting Jean P. Nogues, Esq., to practice before this Court *pro hac vice* in the above-captioned matter on behalf of ASCAP.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested herein shall be in writing, shall state with particularity the grounds for the objection, shall be filed in accordance with the Federal Rules of Civil Procedure, the Local Civil Rules of the

United States District Courts for the Southern and Eastern Districts of New York and the individual practices of the Honorable Denise Cote, and shall be served upon the undersigned counsel within ten business days after service of the moving papers. If no objections are filed, the Court may grant the relief requested without further notice or hearing.

DATED: New York, New York
May 28, 2010

MITCHELL SILBERBERG & KNUPP LLP

By: 

Jane G. Stevens (JS5869)
12 East 49th Street, 30th Floor
New York, New York 10017-1028
Telephone: (212) 509-3900
Facsimile: (212) 509-7239

Attorneys for ASCAP

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF YOUTUBE, LLC

09 Civ. 7073 (DLC)

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41 Civ. 1395 (DLC)

UNITED STATES OF AMERICA,

Plaintiff,

**[PROPOSED] ORDER FOR ADMISSION
*PRO HAC VICE***

v.

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS,

Defendant.

Upon the motion of Jane G. Stevens, attorney for American Society of Composers, Authors and Publishers (“ASCAP”), and said sponsor attorney’s affidavit in support, and the affidavit of Jean P. Nogues in support;

IT IS HEREBY ORDERED that Jean P. Nogues of Mitchell Silberberg & Knupp LLP, 11377 W. Olympic Blvd., Los Angeles, CA 90064, is admitted to practice *pro hac vice* as counsel for ASCAP in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. This action is assigned to the Electronic Case Filing (ECF) system, and counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated:
New York, New York

United States District Judge

AFFIDAVIT OF SERVICE

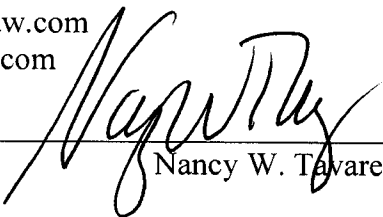
STATE OF NEW YORK)
)
COUNTY OF NEW YORK) ss.:

Nancy W. Tavaréz, being duly sworn, deposes and says:

1. I am not a party to this action, am over the age of 18 and reside at 64 70th Street, Guttenberg, NJ 07093.

2. On June 1, 2010, I served a copy of a Notice of Motion for Admission *Pro Hac Vice* for Jean Nogues, Declaration of Jane G. Stevens in Support of Motion for Admission *Pro Hac Vice* of Jean Nogues, Declaration of Jean Nogues in Support of Motion for Admission *Pro Hac Vice*, Certificate of Good Standing, and a Proposed Order for Admission *Pro Hac Vice* on Written Motion by email upon:

Kenneth L. Steinthal, Esq.
Dana Powers, Esq.
Joseph Richard Wetzel, Jr.,
Greenberg Traurig, LLP
153 Townsend St., 8th Floor
San Francisco, CA 94107
(415) 655-1300
Fax: (415) 707-2010
Emails: steinthal@gtlaw.com
powersdk@gtlaw.com
wetzelj@gtlaw.com



Nancy W. Tavaréz

Sworn to before me this
1st of June, 2010.



NOTARY PUBLIC

ALESSANDRA LOVREN
NOTARY PUBLIC, STATE OF NEW YORK
NO. 31-4981830
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES MAY 20, 20 11

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF YOUTUBE, LLC

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Defendant.

**AFFIDAVIT OF JANE G. STEVENS IN
SUPPORT OF MOTION TO APPEAR *PRO
HAC VICE***

JANE G. STEVENS, being duly sworn, states as follows:

1. I am member of the law firm Mitchell Silberberg & Knupp LLP, counsel for American Society of Composers, Authors and Publishers ("ASCAP"), in the above-captioned action. I submit this affidavit in support of the motion, pursuant to Rule 1.3(c) of the Local Civil Rules of the United States District Courts for the Southern and Eastern Districts of New York, for an order granting Jean Nogues, Esq., admission to the bar of this Court *pro hac vice* for the purpose of allowing him to participate in the representation of ASCAP in the above-captioned matter, and to appear before this Court. I state all of the following based on my personal knowledge.

2. Mr. Nogues is a partner in the Los Angeles, CA office of Mitchell Silberberg & Knupp LLP, located at 11377 W. Olympic Blvd., Los Angeles, CA 90064. He is a person of integrity that is experienced and familiar with the matter which is pending before this Court. I

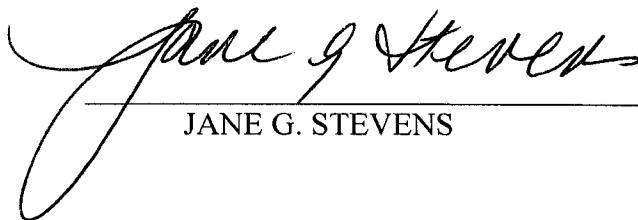
have attached hereto as Exhibit A an affidavit signed by Mr. Nogues submitted in support of the motion.

3. Mr. Nogues is a member in good standing of the Bar of the State of California and is admitted to practice before the United States District Court for the Central District of California, the United States Court of Appeals for the Northern District of California, the United States District Court for the Eastern District of California, United States District Court for the Southern District of California, the United States District Court for the District of Colorado, the United States Court of Appeals for the Sixth Circuit, the United States Court of Appeals for the Ninth Circuit, the United States Court of Appeals for the Tenth Circuit, United States Supreme Court. There are no pending disciplinary proceedings against him in any State or Federal court. A Certificate from the State Bar of California stating that Mr. Nogues is a member in good standing of the Bar is attached to Mr. Nogues' affidavit.

4. No previous application has been made for the relief requested herein.

5. Accordingly, I respectfully request that Jean P. Nogues be admitted to the Bar of this Court *pro hac vice*, and I respectfully attach a proposed order to that effect hereto as Exhibit B.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



JANE G. STEVENS

Sworn to before me this
28th day of May, 2010



NOTARY PUBLIC

ALESSANDRA LOVREN
NOTARY PUBLIC, STATE OF NEW YORK
NO. 31-4981830
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES MAY 20, 20 11

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Plaintiff,

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Defendant.

**AFFIDAVIT OF JEAN PIERRE NOGUES
IN SUPPORT OF MOTION TO APPEAR
*PRO HAC VICE***

JEAN PIERRE NOGUES, applicant herein for admission *pro hac vice*, being
duly sworn, states as follows:

1. I am a partner, through my professional corporation, with the law firm Mitchell Silberberg & Knupp LLP, 11377 W. Olympic Blvd., Los Angeles, CA 90064. I state all of the following based on my personal knowledge.

2. I was admitted to practice law in the State of California on November 29, 1978. A certificate of good standing from the State Bar of California, issued on May 21, 2010, is attached hereto as Exhibit A.

3. In addition to being admitted to practice law in the above jurisdiction, I am also a member in good standing of the bars of the following federal courts: the United States District Court for the Central District of California, the United States District Court for the Northern District of California, the United States District Court for the Eastern District of California,

United States District Court for the Southern District of California, the United States District Court for the District of Colorado, the United States Court of Appeals for the Sixth Circuit, the United States Court of Appeals for the Ninth Circuit, the United States Court of Appeals for the Tenth Circuit, and the United States Supreme Court. I respectfully submit that my admission and good standing in the above listed jurisdiction and courts qualifies me to practice before this Court *pro hac vice* in the above-captioned matter, in accordance with Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York.

4. I have never been sanctioned for violation of any New York statutes or Court rules and there are no pending disciplinary proceedings against me in any State or Federal Court.

WHEREFORE, your applicant respectfully requests to be admitted to practice before this Court *pro hac vice* in the above-captioned matter on behalf of Defendant.

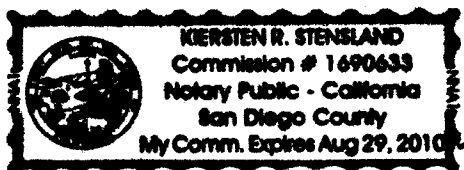
I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.


JEAN PIERRE NOGUES

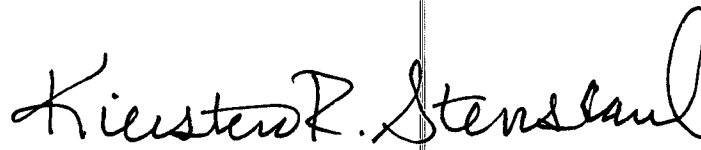
STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

Subscribed and sworn to (or affirmed) before me on this 26th day of May, 2010, by Jean Pierre Nogues, proved to me on the basis of satisfactory evidence to be the person who appeared before me.



Place Notary Seal Above


Kiersten R. Stensland



THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

CERTIFICATE OF STANDING

May 21, 2010

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, JEAN PIERRE NOGUES, JR., #084445 was admitted to the practice of law in this state by the Supreme Court of California on November 29, 1978; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

State of California County of

SAN FRANCISCO

Subscribed and sworn to (or affirmed)

before me on this 21st day of MAY, 2010, by
DINA DILORETO

proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.

Signature Kathleen C. Mc Connell

(Seal)

THE STATE BAR OF CALIFORNIA

Dina DiLoreto
Custodian of Membership Records

